UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA ANDERSON DIVISION

)
) C/A No. 8:07-cv-1369-GRA
) ORDER) (Written Opinion)
)
)
)
)
)
)
)

This matter comes before the Court for review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., and filed on May 21, 2007. Plaintiff filed this action on May 16, 2007 pursuant to 42 U.S.C. § 1983. The magistrate now recommends dismissing the action *without* prejudice and without issuance and service of process.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The

recommendation has no presumptive weight, and the responsibility to make a final

determination remains with this Court. Mathews v. Weber, 423 U.S. 261, 270-71

(1976). This Court is charged with making a de novo determination of those portions

of the Report and Recommendation to which specific objection is made, and this Court

may "accept, reject, or modify, in whole or in part, the findings or recommendations

made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive

further evidence or recommit the matter to the magistrate with instructions." Id. In

the absence of specific objections to the Report and Recommendation, this Court is

not required to give any explanation for adopting the recommendation. Camby v.

Davis, 718 F.2d 198 (4th. Cir. 1983). Plaintiff has filed no objections.

After a review of the record, this Court finds that the magistrate's Report and

Recommendation accurately summarizes this case and the applicable law.

Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that this case be DISMISSED without prejudice and

without issuance and service of process.

IT IS SO ORDERED.

G. ROSS ANDERSON, JR.

UNITED STATES DISTRICT JUDGE

En Galvange

June 19, 2007

Anderson, South Carolina

2

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within thirty (30) days from the date of the entry of this Order, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.